

REMARKS

Claims 1-9 and 19-34 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider his earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 19-28 and 30 over Riskin

In the Office Action, claims 19-28 and 30 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Riskin, U.S. Patent No. 4,757,267 ("Riskin"). The Applicant respectfully traverses the rejection.

Claims 19-28 and 30 recite, *inter alia*, downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information.

Riskin appears to teach a telephone system that automatically connects a potential customer with a nearby dealer who can provide the goods or services desired by the potential customer (Abstract). A call is routed to a long distance communications carrier (LDC) database computer (Riskin, col. 7, lines 39-40). A custom call routing (CCR) function at a database computer examines the a Number Plan Area (NPA), i.e., the first three digits of a ten digit telephone number, of a caller's telephone number (Riskin, col. 7, lines 46-51). The database computer routes the call to a designated one of six customer/dealer service companies (CDSC) routing centers (RC) (Riskin, col. 7, lines 52-53). The caller's telephone number is used to obtain a coordinate, the coordinate is used to retrieve a dealer's telephone number and automatically connect the caller with the nearest or nearby dealer (Riskin, col. 8, lines 37-47).

The Examiner alleges that Riskin teaches determining a desired one of a plurality of broadcast information streams, i.e., advertisement, for downloading to a calling party based on call related information (Office Action, page 2). The Applicant respectfully disagrees.

Riskin teaches searching a table which when entered with caller ID as the argument yields advertiser, product, and advertisement information, which in turn is used to automatically connect the caller to the nearest or nearby dealer. Connecting a caller to a nearby dealer is **NOT** determining a desired one of a plurality of broadcast information streams, much less downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information, as claimed by claims 19-28 and 30.

Moreover, the Examiner alleges advertising is synonymous with news (Office Action, page 2). The Applicant respectfully disagrees.

Even if Riskin taught determining a desired one of a plurality of broadcast information streams (which as discussed above, Riskin does not), advertising is **NOT** news. Advertising is conventionally associated with promoting products. News is conventionally associated with reporting events. Riskin fails to teach downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information, as claimed claims 19-28 and 30.

Accordingly, for at least all the above reasons, claims 19-28 and 30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1-9 and 32 over Kennedy in view of Riskin

In the Office Action, claims 1-9 and 32 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kennedy, III et al. U.S. Patent No. 6,301,480 ("Kennedy") in view of Riskin. The Applicant respectfully traverses the rejection.

Claims 1-9 and 32 recites, *inter alia*, a processor adapted to identify a specific one of a plurality of stored broadcast information streams of **current news** relevant to a locality for downloading a real-time audible representation of one of the plurality of stored broadcast information streams relevant to a locality to a caller based **only** on call related information.

Kennedy appears to teach a communication system that includes mobile units, a network switching center, and service centers to provide a variety of services to the mobile units (Kennedy, Abstract). In operation, the mobile unit generates a request for service in response to user interaction or an automatically triggered event (Kennedy, col. 4, lines 43-45; col. 6, lines 4-5). A voice module transfers or directs a call to a selected voice instrument and communicates associated automatic number identification information, caller ID, or other identifier of a mobile unit to an associated workstation (Kennedy, col. 4, lines 60-65). The workstation retrieves the data message with the same mobile unit identifier from data module (Kennedy, col. 4, lines 65-67). The data message includes load brokering services, vehicle monitoring, weather reporting, and financial and news services (Kennedy, col. 4, lines 37-40).

Kennedy teaches that caller ID data is used in conjunction with a request for service to obtain weather information that is transmitted to a mobile unit.

The Office Action relies on Riskin to allegedly make up for the deficiencies in Kennedy to arrive at the claimed invention. The Applicant respectfully disagrees.

As discussed above, Riskin teaches searching a table which when entered with caller ID as the argument yields Advertiser, Product, and Advertisement, which in turn is used to automatically connect the caller to the nearest or nearby dealer. Connecting a caller to a nearby dealer is **NOT** identifying a specific one of a plurality of stored broadcast information streams of **current news**, as claimed by claims 1-9 and 32.

Neither Kennedy nor Riskin, either alone or in combination, disclose, teach or suggest a processor adapted to identify a specific one of a plurality of stored broadcast information streams of **current news** relevant to a locality for downloading a real-time audible representation of one of the plurality of stored broadcast information streams relevant to a locality to a caller based **only** on call related information, as claimed by claims 1-9 and 32.

A benefit of identifying **current news** based **only** on call related information is, e.g., ability to get current news from a conventional telephone.

Conventional telephones are unable to send requests for information of current news, such as weather information. Being able to identify current news based only on call related information allows a user to access current news information without having to buy a new telephone with the ability to send requests for such information.

Accordingly, for at least all the above reasons, claims 1-9 and 32 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 21, 31, 33 and 34 over Riskin in view of Mitchell

In the Office Action, claims 21, 31, 33 and 34 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Mitchell et al., U.S. Patent No. 6,108,406 ("Mitchell"). The Applicant respectfully traverses the rejection.

Claims 21, 31, 33 and 34 are dependent on claims 19 and 30 respectively, and are allowable for at least the same reasons as claims 19 and 30.

Claims 21, 31, 33 and 34 recite, *inter alia*, downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information.

As discussed above, Riskin fails to teach downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information, as claimed by claims 21, 31, 33 and 34.

The Office Action relies on Mitchell to allegedly make up for the deficiencies in Riskin to arrive at the claimed invention. The Applicant respectfully disagrees.

Mitchell appears to teach a system and method for downloading internet based information to an ADSI phone slot. The files at the accessed site are downloaded to a server, merged into an ADSI download, and then downloaded to the ADSI caller's telephone by means of a telephone network

(Mitchell, col. 2, lines 19-22). The caller on the ADSI telephone selects the information downloaded from the remote site by subscribing to certain types of information such as weather, stock quotes, news, etc. (Mitchell, col. 2, lines 22-25).

Mitchell teaches downloading weather information to a telephone. The weather downloaded is based on a request from the user of the telephone. Mitchell fails to teach downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information, as claimed by claims 21, 31, 33 and 34.

Neither Risking nor Mitchell, either alone or in combination, disclose, teach or suggest downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information, as claimed by claims 21, 31, 33 and 34.

Accordingly, for at least all the above reasons, claims 21, 31, 33 and 34 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 29 over Riskin in view of Fellingham

In the Office Action, claim 29 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Fellingham et al., U.S. Patent No. 6,442,244 ("Fellingham"). The Applicant respectfully traverses the rejection.

Claim 29 dependent on claim 19, and is allowable for at least the same reasons as claim 19.

Claim 29 recites, *inter alia*, downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information.

As discussed above, Riskin fails to teach downloading a real-time audible representation of a desired one of said plurality of broadcast information

streams of current news relevant to a locality to a calling party based on call related information, as claimed by claim 29.

The Office Action relies on Fellingham to allegedly make up for the deficiencies in Riskin to arrive at the claimed invention. The Applicant respectfully disagrees.

Fellingham appears to teach method and apparatus for selective audio logo and/or announcements in a telecommunications network. A switch, upon receipt of a call, passes information, e.g., the calling party number, to a database (Fellingham, col. 3, lines 35-60). The calling party number is used to retrieve a particular audible logo and/or one or more announcements (Fellingham, col. 3, line 64-col. 4, line 3). The announcement plays to the calling party while the switch simultaneously sets up the call to the called party (Fellingham, Abstract).

Fellingham teaches retrieving a particular audible logo and/or an announcement based on the calling party number prior to connecting to a called party. Fellingham fails to disclose, teach or suggest downloading information current news, much less downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information, as claimed by claim 29.

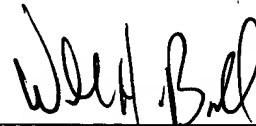
Neither Riskin nor Fellingham, either alone or in combination, disclose, teach or suggest downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based on call related information, as claimed by claim 29.

Accordingly, for at least all the above reasons, claim 29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df